

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ASHLEY DOUGET,

Plaintiff,

Case No. 17-cv-12806
Hon. Matthew F. Leitman

v.

EQUITYEXPERTS.ORG, LLC

Defendant.

**ORDER TERMINATING PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT (ECF #18) WITHOUT PREJUDICE**

In this action, Plaintiff Ashley Douget alleges that Defendant EquityExperts.org, LLC violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.*, the Michigan Collection Practices Act, Mich. Comp. Laws § 445.251 *et seq.*, and the Michigan Occupational Code, Mich. Comp. Laws § 339.901 *et seq.* (See Am. Compl., ECF #12.) Douget moved for summary judgment on October 5, 2018. (See Mot., ECF #18.)

On January 31, 2019, the Court entered an order staying this action based on the stipulation of the parties. (See Stipulated Order, ECF #30.) The Court entered the stay because this case presents similar issues to *Sparks v. EquityExperts.org, LLC*, E.D. Mich. Case No. 17-cv-11330, and *Sparks* is currently on appeal before the United States Court of Appeals for the Sixth Circuit.

The Sixth Circuit's decision in *Sparks* may obviate the need to go forward with the summary judgment motion and/or may moot this action. At the very least, as the parties acknowledged in the stipulated order, "if the court of appeals issues a substantive ruling on appeal in *Sparks*, both [parties] will likely need to rely upon that opinion ... in any summary judgment motions, responses, and replies." (Stipulated Order at ¶6, ECF #30 at Pg. ID 238.) The Court therefore concludes that the most efficient course of action is to terminate Douget's currently-pending motion for summary judgment without prejudice. Douget can re-file her motion, if appropriate, after the Sixth Circuit issues its ruling in *Sparks*.

Accordingly, for the reasons stated above, Douget's motion for summary judgment (ECF #18) is **TERMINATED WITHOUT PREJUDICE**. The parties shall inform the Court once the Sixth Circuit issues a ruling in *Sparks*, and the Court will thereafter convene a telephonic status conference to discuss (1) lifting the stay of proceedings and (2) issuing a schedule for a renewed motion for summary judgment, if appropriate.

IT IS SO ORDERED.

Dated: August 20, 2019

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 20, 2019, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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